

# EXHIBIT 58

(EXHIBIT FILED UNDER SEAL)

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

IN RE: DA VINCI SURGICAL ROBOT  
ANTITRUST LITIGATION

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Lead Case No.: 3:21-cv-03825-VC

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THIS DOCUMENT RELATES TO:  
ALL CASES

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SURGICAL INSTRUMENT SERVICE  
COMPANY, INC.,

Plaintiff,

vs.

Case No.: 3:21-cv-03496-VC

INTUITIVE SURGICAL, INC.,

Defendant.

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REMOTE VIDEOTAPED DEPOSITION OF  
RICARDO ESTAPE, M.D.

Pages 1 through 89

Saturday, October 22, 2022  
8:26 a.m. - 10:22 a.m.

Stenographically Reported By:  
Denise Sankary, RPR, RMR, CRR

Page 1

1 Q. And are the three companies you just --  
2 that you just named involved in some way with trying  
3 to develop robotic-assisted surgical solutions?

4 A. Yes, sir, all of them are.

5 Q. Are you on any board related to Intuitive?

6 A. No, sir.

7 Q. Are there times when you have an option to  
8 choose between open vaginal, lap or robotic surgery  
9 modalities?

10 A. Every day.

11 Q. How do you decide whether a surgery should  
12 be performed -- how do you decide which modality to  
13 select for a particular surgery?

14 A. Well, from a patient's standpoint, to me,  
15 if we can do the procedure by minimally invasive  
16 techniques, it's much better for the patient. So  
17 the majority of the cases we do, whether it's  
18 endometrial cancer or cervical cancer or  
19 hysterectomies for fibroids, things like that, they  
20 are better served by doing it minimally invasive,  
21 and the best tool in my hands is the robotic  
22 surgery. So almost all of those cases we'll do  
23 robotically.

24 There are some of the cancers that I do,  
25 like big ovarian cancers that the masses are too big

1 to remove through small holes or there's just too  
2 widespread disease and I might need to take out  
3 pieces of liver or bowel, then those patients will  
4 be done open. I will still put a camera to most of  
5 those patients to see if it can be done robotically.  
6 So I would say the majority of the patients that I'm  
7 going to go in through their abdomen will be done  
8 robotically.

9 Q. When you use the phrase "minimally  
10 invasive surgery," does that also include  
11 laparoscopic procedures?

12 A. Yes.

13 Q. Are you still doing laparoscopic  
14 procedures today that do not involve the da Vinci  
15 Surgical System?

16 A. There's -- there was one hospital I was  
17 going to for a while that did not have a robot, so I  
18 was doing those laparoscopically. And every once in  
19 a while, if I have an emergency case I have to do  
20 where I don't have access to the robot, I might do  
21 it laparoscopically, yes.

22 Q. Does the cost of a procedure play any role  
23 in your decisions about which modalities to use?

24 A. It does not because we have been able to  
25 maintain our direct costs at a low number.

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Q. Was there ever a time where you were actually about to perform a surgery with the da Vinci Surgical System and you were asked to not use that modality?

A. No.

Q. I want to talk more about your relationship with Larkin.

At some point, am I right, you had a relationship with Larkin Community Hospital?

A. Yes. When I left Baptist Health, Larkin Hospital was almost literally across the street from one of the Baptist Health hospitals at South Miami, and that's right where my office was at. And so I spoke with the director there and they were very willing to have me come over and buy two robots for me and for me to be able to do the cases there at Larkin Hospital.

MR. LAZEROW: Okay. I'm going to mark an exhibit. It's tabbed 14, Miriam. It will be in the Exhibit Share momentarily. I'm going to mark as Defendant's Exhibit 118, a document

1       you can get to the corner on a Tesla. They both are  
2       modes of transportation. And that's the way used to  
3       describe laparoscopy as the bicycle and Tesla as the  
4       robotics."

5               Would you agree with that?

6               A.     That's pretty accurate, yes.

7               Q.     Do you agree that minimally invasive  
8       robotic procedures have become the standard of care?

9               MR. LAZEROW: Objection. Vague.

10              A.     That's a good question. In my hands,  
11       absolutely standard of care. I think there's still  
12       a lot of debate out there whether it's truly the  
13       standard of care, but I think the data is starting  
14       to become overwhelming where it should become the  
15       standard of care, in certain procedures for sure.

16              BY MR. CORRIGAN:

17              Q.     Do you agree robotic surgery has changed  
18       the way surgeons perform delicate procedures?

19              A.     Absolutely.

20              Q.     Do you agree that it allows surgeons to  
21       get into areas that could not be gotten into with  
22       traditional surgical instruments?

23              A.     Well, you can get into it -- you can get  
24       into it easier with the robot than you can with  
25       other things like laparoscopy or open, for sure.

1 Q. Would you agree that Larkin worked hard to  
2 be able to set you up doing robotic surgery at the  
3 hospital?

4 A. Oh, absolutely.

5 Q. They purchased or actually -- they  
6 actually leased the two da Vincis that you required,  
7 correct?

8 A. Yes, sir.

9 Q. And they rewired the operating rooms to  
10 support the da Vincis; is that right?

11 A. Yes, sir. They put a lot of time and  
12 effort into getting the program going.

13 Q. And they hired your two brothers, or at  
14 least they took on your two brothers and your  
15 robotic surgery program director, Barbie Yuen; is  
16 that right?

17 A. That is correct.

18 Q. And Barbie Yuen is your wife, correct?

19 A. That's correct.

20 Q. You said a couple times you worked closely  
21 with Jose Gonzalez at Larkin, correct?

22 A. Yes, sir.

23 Q. And you're still close with Mr. Gonzalez  
24 now, aren't you?

25 A. We still speak because he runs with



1 companies that brings products now to the hospital  
2 where I'm at.

3 Q. Would you agree that Mr. Gonzalez is a  
4 hard-working individual?

5 A. Absolutely.

6 Q. He's smart?

7 A. Very.

8 Q. He's honest?

9 A. Absolutely.

10 Q. Thank you.

11 And Barbie Yuen, when she was working with  
12 you, you worked closely with her, correct?

13 A. Yes, sir.

14 Q. Did you rely heavily on her?

15 A. Very.

16 Q. If Larkin did not get the two da Vincis  
17 that you requested, you would not have gone to  
18 perform surgeries there, correct?

19 A. At least not robotic surgeries, that is  
20 correct.

21 Q. And robotic surgery is critical to your  
22 practice; is that right?

23 A. Yes, sir.

24 Q. And if a hospital you were at did not --  
25 well, let me rephrase. Sorry.